

AMENDED IN ASSEMBLY JULY 2, 2015

AMENDED IN SENATE APRIL 14, 2015

SENATE BILL

No. 361

Introduced by Senator Hill

(Coauthor: Senator Nielsen)

(Coauthors: Assembly Members Rodriguez and Waldron)

February 24, 2015

An act to *amend Section 4846.5 of the Business and Professions Code, and to add Section 1275.4 to the Health and Safety Code, relating to public health, and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

SB 361, as amended, Hill. ~~Skilled nursing facilities: antimicrobial stewardship guidelines. Antimicrobial stewardship: education and policies.~~

Under the Veterinary Medical Practice Act, the Veterinary Medical Board licenses veterinarians and regulates the practice of veterinary medicine. The act requires an applicant for a renewal license to complete 36 hours of continuing education in the preceding 2 years.

This bill would require a veterinarian who receives his or her license on or after January 1, 2018, to complete an approved course on the judicious use of medically important antimicrobial drugs, as defined, every 4 years as part of the continuing education requirement.

Existing law provides for the licensure and regulation of skilled nursing facilities by the State Department of Public Health. Under existing law, a violation of the provisions governing skilled nursing facilities constitutes a crime. Existing law also establishes the Hospital Infectious Disease Control Program, which requires the department and

general acute care hospitals to implement various measures relating to the prevention of health care associated infection. The program requires, by July 1, 2015, that each general acute care hospital adopt and implement an antimicrobial stewardship policy, in accordance with guidelines established by the federal government and professional organizations, that includes a process to evaluate the judicious use of antibiotics, as specified.

This bill would require all skilled nursing facilities, as defined, by no later than January 1, 2017, to adopt and implement an antimicrobial stewardship policy. The bill would also require each skilled nursing facility, within 3 months of the establishment of antimicrobial stewardship guidelines by the federal Centers for Disease Control and Prevention or *specified* professional organizations, to amend its policy to be consistent with those antimicrobial stewardship guidelines.

By expanding the scope of an existing crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 **SECTION 1.** *Section 4846.5 of the Business and Professions*
- 2 *Code is amended to read:*
- 3 4846.5. (a) Except as provided in this section, the board shall
- 4 issue renewal licenses only to those applicants that have completed
- 5 a minimum of 36 hours of continuing education in the preceding
- 6 two years.
- 7 (b) (1) Notwithstanding any other ~~provision of law~~, continuing
- 8 education hours shall be earned by attending courses relevant to
- 9 veterinary medicine and sponsored or cosponsored by any of the
- 10 following:
- 11 (A) American Veterinary Medical Association (AVMA)
- 12 accredited veterinary medical colleges.

1 (B) Accredited colleges or universities offering programs
2 relevant to veterinary medicine.

3 (C) The American Veterinary Medical Association.

4 (D) American Veterinary Medical Association recognized
5 specialty or affiliated allied groups.

6 (E) American Veterinary Medical Association's affiliated state
7 veterinary medical associations.

8 (F) Nonprofit annual conferences established in conjunction
9 with state veterinary medical associations.

10 (G) Educational organizations affiliated with the American
11 Veterinary Medical Association or its state affiliated veterinary
12 medical associations.

13 (H) Local veterinary medical associations affiliated with the
14 California Veterinary Medical Association.

15 (I) Federal, state, or local government agencies.

16 (J) Providers accredited by the Accreditation Council for
17 Continuing Medical Education (ACCME) or approved by the
18 American Medical Association (AMA), providers recognized by
19 the American Dental Association Continuing Education
20 Recognition Program (ADA CERP), and AMA or ADA affiliated
21 state, local, and specialty organizations.

22 (2) Continuing education credits shall be granted to those
23 veterinarians taking self-study courses, which may include, but
24 are not limited to, reading journals, viewing video recordings, or
25 listening to audio recordings. The taking of these courses shall be
26 limited to no more than six hours biennially.

27 (3) The board may approve other continuing veterinary medical
28 education providers not specified in paragraph (1).

29 (A) The board has the authority to recognize national continuing
30 education approval bodies for the purpose of approving continuing
31 education providers not specified in paragraph (1).

32 (B) Applicants seeking continuing education provider approval
33 shall have the option of applying to the board or to a
34 board-recognized national approval body.

35 (4) For good cause, the board may adopt an order specifying,
36 on a prospective basis, that a provider of continuing veterinary
37 medical education authorized pursuant to paragraph (1) or (3) is
38 no longer an acceptable provider.

39 (5) Continuing education hours earned by attending courses
40 sponsored or cosponsored by those entities listed in paragraph (1)

1 between January 1, 2000, and January 1, 2001, shall be credited
2 toward a veterinarian's continuing education requirement under
3 this section.

4 (c) Every person renewing his or her license issued pursuant to
5 Section ~~4846.4~~ 4846.4, or any person applying for relicensure or
6 for reinstatement of his or her license to active status, shall submit
7 proof of compliance with this section to the board certifying that
8 he or she is in compliance with this section. Any false statement
9 submitted pursuant to this section shall be a violation subject to
10 Section 4831.

11 (d) This section shall not apply to a veterinarian's first license
12 renewal. This section shall apply only to second and subsequent
13 license renewals granted on or after January 1, 2002.

14 (e) The board shall have the right to audit the records of all
15 applicants to verify the completion of the continuing education
16 requirement. Applicants shall maintain records of completion of
17 required continuing education coursework for a period of four
18 years and shall make these records available to the board for
19 auditing purposes upon request. If the board, during this audit,
20 questions whether any course reported by the veterinarian satisfies
21 the continuing education requirement, the veterinarian shall provide
22 information to the board concerning the content of the course; the
23 name of its sponsor and cosponsor, if any; and specify the specific
24 curricula that was of benefit to the veterinarian.

25 (f) A veterinarian desiring an inactive license or to restore an
26 inactive license under Section 701 shall submit an application on
27 a form provided by the board. In order to restore an inactive license
28 to active status, the veterinarian shall have completed a minimum
29 of 36 hours of continuing education within the last two years
30 preceding application. The inactive license status of a veterinarian
31 shall not deprive the board of its authority to institute or continue
32 a disciplinary action against a licensee.

33 (g) Knowing misrepresentation of compliance with this article
34 by a veterinarian constitutes unprofessional conduct and grounds
35 for disciplinary action or for the issuance of a citation and the
36 imposition of a civil penalty pursuant to Section 4883.

37 (h) The board, in its discretion, may exempt from the continuing
38 education requirement any veterinarian who for reasons of health,
39 military service, or undue hardship cannot meet those requirements.

1 Applications for waivers shall be submitted on a form provided
2 by the board.

3 (i) The administration of this section may be funded through
4 professional license and continuing education provider fees. The
5 fees related to the administration of this section shall not exceed
6 the costs of administering the corresponding provisions of this
7 section.

8 (j) For those continuing education providers not listed in
9 paragraph (1) of subdivision (b), the board or its recognized
10 national approval agent shall establish criteria by which a provider
11 of continuing education shall be approved. The board shall initially
12 review and approve these criteria and may review the criteria as
13 needed. The board or its recognized agent shall monitor, maintain,
14 and manage related records and data. The board may impose an
15 application fee, not to exceed two hundred dollars (\$200)
16 biennially, for continuing education providers not listed in
17 paragraph (1) of subdivision (b).

18 (k) (1) *A veterinarian who receives his or her license on or*
19 *after January 1, 2018, shall complete an approved course on the*
20 *judicious use of medically important antimicrobial drugs every*
21 *four years as part of his or her continuing education requirements.*

22 (2) *For purposes of this subdivision, “medically important*
23 *antimicrobial drug” means an antimicrobial drug listed in*
24 *Appendix A of the federal Food and Drug Administration’s*
25 *Guidance for Industry #152, including critically important, highly*
26 *important, and important antimicrobial drugs, as that appendix*
27 *may be amended.*

28 **SECTION 1.**

29 SEC. 2. Section 1275.4 is added to the Health and Safety Code,
30 to read:

31 1275.4. (a) (1) On or before January 1, 2017, each skilled
32 nursing facility, as defined in subdivision (c) of Section 1250, shall
33 adopt and implement an antimicrobial stewardship policy.

34 (2) Within three months of the *establishment of antimicrobial*
35 *stewardship guidelines specific to skilled nursing facilities by the*
36 *federal Centers for Disease Control and Prevention (CDC) or*
37 *Prevention, the Society for Healthcare Epidemiology of America,*
38 *or similar recognized professional organizations, including the*
39 *Society for Healthcare Epidemiology of America (SHEA),*
40 *establishing antimicrobial stewardship guidelines specific to skilled*

1 ~~nursing facilities~~, each skilled nursing facility shall amend its
2 antimicrobial stewardship policy to be consistent with those newly
3 established antimicrobial stewardship guidelines.

4 (b) All skilled nursing facilities, as defined in subdivision (c)
5 of Section 1250, shall comply with this section. Failure to comply
6 with the requirements of this section may subject the facility to
7 the enforcement actions set forth in Section 1423.

8 ~~SEC. 2.~~

9 *SEC. 3.* No reimbursement is required by this act pursuant to
10 Section 6 of Article XIII B of the California Constitution because
11 the only costs that may be incurred by a local agency or school
12 district will be incurred because this act creates a new crime or
13 infraction, eliminates a crime or infraction, or changes the penalty
14 for a crime or infraction, within the meaning of Section 17556 of
15 the Government Code, or changes the definition of a crime within
16 the meaning of Section 6 of Article XIII B of the California
17 Constitution.

18 ~~SEC. 3.~~

19 *SEC. 4.* This act is an urgency statute necessary for the
20 immediate preservation of the public peace, health, or safety within
21 the meaning of Article IV of the Constitution and shall go into
22 immediate effect. The facts constituting the necessity are:

23 In order to protect Californians from the burden and threats posed
24 by the national security priority of antimicrobial-resistant
25 infections, it is necessary that this act take effect immediately.